IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.7529 OF 2003

Mrs.Suman Satyawan Salunke
@Kum.Suman Maruti Jadhav
adult, Shriharinagar, Sulochana
Niwas, At Post Malinagar,
Tal.:Malsiras, Dist.: Solapur ... Petitioner

V/s.

1. State of Maharashtra
through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai - 400 032

2. Committee for Scrutiny and
Verification of Tribe Claims,
Pune Division, Pune through
its Deputy Director and Member-
Secretary having its office at
28, Queens Garden, Pune - 411 001

3. Pune District Central Co-op.
Bank Limited, through its Manager
4B, B.J. Road, Pune ... Respondents

Mr.R.K. Mendadkar, for Petitioner
Mr.C.R. Sonawane, AGP, for Respondent Nos.1 and 2
Mr.K.S. Bapat for Respondent No.3

CORAM: **V.G. PALSHIKAR &**
SMT.NISHITA MHATRE, JJ.

DATED: **FEBRUARY 8, 2005**

ORAL JUDGMENT (PER NISHITA MHATRE, J.):

. The Petitioner challenges the action of the Respondent No.3-Bank in issuing a show-cause notice in order to terminate her services on the ground that she was appointed in the reserved category for Scheduled Tribes although she belonged to the Other Backward Class category.

2. The Petitioner obtained a caste certificate indicating that she belonged to Thakar caste which was notified in the Other Backward Class category. On 20.3.1995, she was appointed in the Respondent No.3-Bank on the basis of this caste certificate. On 27.10.2003, a notice was issued to her calling upon her to show cause as to why her services should not be terminated on account of the caste certificate submitted by her being invalidated by the Caste Scrutiny Committee. The reply of the Petitioner was not accepted by the bank which led to the Petitioner filing this Petition.

3. We have considered the finding arrived at by the Caste Scrutiny Committee and we find that there is no error in the order of the Caste Scrutiny Committee. The Committee has considered the documents produced by the Petitioner and other available material, while deciding the matter in accordance with law. Therefore, we see no reason to interfere with the findings of the Caste Scrutiny Committee.

4. The Petitioner seeks to place reliance on the Government Resolution of 30.6.2004 whereby all persons from the reserved categories who do not belong to the Scheduled Tribes and who have acquired employment in that category prior to 15.6.1995 are to be continued in

service. There is no dispute that the Petitioner was employed prior to 15.6.1995 nor is there any dispute that she obtained employment against a reserved category post for Scheduled Tribes although she belonged to the Other Backward Class community. The Government Resolution applies not only to the Government and Semi-Government organisations, but also to cooperative societies. Respondent No.3-Bank being a cooperative bank registered under the Maharashtra Cooperative Societies Act would be covered by this Government Resolution.

5. Mr.Bapat vehemently opposed the submission made on behalf of the petitioner that the petitioner was entitled to continue in service in view of the Government Resolution. He contends that the Petitioner having fraudulently obtained the employment should not be allowed to avail of the Resolution.

6. We see no reason to accept this submission as the Government Resolution is quite clear and any employment obtained by a person against a reserved post for Scheduled Tribes prior to 1995 is not to be affected in view of this Government Resolution. Therefore, without setting aside the order of Respondent No.2, that is the Committee for Scrutiny and Verification of Caste, the Petition is allowed in terms of prayer clause (a)

only.

8. Writ Petition is disposed of accordingly.